

## **CHAPTER 63-01.1 NOXIOUS WEED CONTROL**

**63-01.1-01. Control and eradication of noxious weeds.** Every person in charge of or in possession of land in this state, whether as landowner, lessee, renter, or tenant, under statutory authority or otherwise, shall control or eradicate noxious weeds on those lands.

**63-01.1-02. Definitions.** As used in this chapter:

1. "Board member area" means a geographical area within the county from which a member of the weed board is appointed.
2. "City weed control officer" means an individual designated by a city weed board to be responsible for the operation and enforcement of this chapter within the city.
3. "Commissioner" means the agriculture commissioner or the commissioner's designee.
4. "Control" means to prevent the spread of any noxious weed by seed or any other propagating part or to suppress, eradicate, prevent, or retard the spread of a pest.
5. "Control authority" means the commissioner, a county weed board, a county weed control officer, a city weed board, or a city weed control officer.
6. "County weed control officer" means an individual designated by the county weed board to be responsible for the operation and enforcement of this chapter within each county.
7. "Eradicate" means to destroy a plant or a pest so that it is not viable.
8. "Highway, street, or road" means a public way for purposes of vehicular travel, including the entire area within the right of way. A highway in a rural area may be called a "road" and a highway in an urban area may be called a "street".
9. "Landowner" means any owner of federal, state, municipal, or private land, under statutory authority or otherwise. The term does not include a lessee, renter, tenant, operator, or an owner of any easement or right of way.
10. "Noxious weed" means a plant propagated by either seed or vegetative parts and which is determined by the commissioner after consulting with the North Dakota state university extension service or which is determined by a county weed board after consulting with the county extension agent to be injurious to public health, crops, livestock, land, or other property.
11. "Operator" means the person responsible for farming operations or other operations being performed on the land, whether for self-benefit, or for the benefit of the landowner or another.
12. "Pest" means any pest defined in section 4-33-01 and a prairie dog.
13. "Township road" means an improved public road that is not located in an incorporated city and not designated as part of a county, state, or federal-aid road system, but constructed, maintained, graded, and drained by the township, or county in the case of an unorganized township. A township road includes a street in an unincorporated townsite; does not have to be surfaced; does not include a sodded road; and includes a section line if that section line is graded, drained, and a maintained road.

**63-01.1-03. State weed control authority - Agriculture commissioner - Duties.** The commissioner shall:

1. Enforce this chapter;
2. Cooperate with other weed control authorities and law enforcement officers;
3. Determine which weeds are noxious after consulting with the North Dakota state university extension service;
4. Compile and keep a list of noxious weeds;
5. Establish procedures and prepare and supply all notices, posters, forms, and other documents needed in carrying out this chapter;
6. Prepare all notices and posters featuring the noxious weed list, rules, dates for controlling noxious weeds, and other compliance requirements, for printing in official newspapers or for posting at least annually;
7. Encourage the North Dakota state university extension service to disseminate information and to conduct educational campaigns with respect to the control and eradication of noxious weeds and pests;
8. Except as otherwise provided, forward all written complaints to the proper weed control authority;
9. Call an annual meeting of all weed control officers, either statewide or by areas, to review the intent, operation, procedures, and accomplishments under this chapter and invite all weed control authority members to attend; and
10. Encourage the cooperation of federal and state agencies in furthering this chapter.

**63-01.1-03.1. County weed board - Jurisdiction.** The jurisdiction of each county weed board extends to all land within the county but does not include any land within the corporate limits of a city if that city has its own noxious weed control program under this chapter.

**63-01.1-03.2. State weed control authority - Agriculture commissioner - Powers.** The commissioner may require operational reports and program reports from weed control authorities regarding both noxious weed control and pest control.

**63-01.1-04. County weed board - Members - Terms - Compensation.**

1. Each board of county commissioners shall establish county weed board member areas. Each county weed board member area must be contiguous.
2. The board of county commissioners shall appoint a county weed board consisting of five or seven members. Members shall serve for a term of four years or until their successors are appointed and qualified. The terms must be staggered so that no more than two expire each year. Any qualified elector residing in the board member area is eligible to represent that area on the board. In each county encompassing a city with a population of five thousand or more, one board member must be appointed from within the corporate limits of that city unless the city has established its own noxious weed control program under this chapter.
3. A board member shall assume office at the first regular meeting of the county weed board following that member's appointment.
4. The board of county commissioners shall remove a member of the county weed board for repeated unexcused failures to attend meetings, for refusal to act as a

board member, or for incapacity. If a vacancy occurs on a county weed board, the board of county commissioners, at its next regular meeting, shall appoint an individual who possesses the necessary qualifications to fill the unexpired term.

5. The county weed board shall elect from its members a chairman and a vice chairman and shall appoint a secretary and a treasurer. The secretary and treasurer need not be members of the county weed board.
6. The board of county commissioners may set rates of compensation for board members. Board members are entitled to reimbursement for actual and necessary expenses and a mileage allowance at the rate established for state employees.

**63-01.1-04.1. County weed board - Duties.**

1. Each county weed board shall designate a county weed control officer who shall cooperate with the board and be responsible for the operation and enforcement of this chapter within the county. The county weed control officer may be a member of the county weed board. An individual may serve as a weed control officer for more than one weed board. Employment is for a tenure and at rates of compensation and reimbursement for travel expenses as the county weed board may prescribe and is without regard to any provisions of law relating to age or dual compensation. A county weed board shall certify the designation of a county weed control officer to the commissioner.
2. Each county weed board shall cooperate with all other control authorities.
3. Each county weed board shall implement and pursue a program for the control of noxious weeds.
4. Each county weed board shall fix the time and place of regular meetings. Each board shall meet at least once each year. All meetings are open to the public. Each board shall keep minutes of its meetings and a complete record of all official acts.
5. Each county weed board shall conduct at least one annual inspection to determine the progress of noxious weed control activities within the county.
6. Each county weed board shall control and disburse all moneys received by the county, for noxious weed control, from any source.
7. Each county weed board shall provide technical assistance to any city that has a population of three thousand or more and which establishes its own noxious weed control program under this chapter.

§ 38. **63-01.1-04.2. County weed board - Pest control.** Repealed by S.L. 2005, ch. 601,

**63-01.1-04.3. County weed board - Powers.** A county weed board may:

1. Authorize the county weed control officer to cooperate with local law enforcement personnel in stopping and inspecting vehicles suspected of transporting noxious weed-infested materials.
2. Expend funds from all available sources if a control authority determines that the extent of noxious weed infestation on certain land is so severe that eradication would place an extreme financial burden on the person otherwise liable for the expense.
3. Employ additional personnel to assist with noxious weed control and eradication efforts.

**63-01.1-04.4. County weed board - Development of county weed list.** A county weed board may develop and compile its own list of noxious weeds, provided the list includes all weeds determined to be noxious by the commissioner. The commissioner, after consulting with the county weed board and the North Dakota state university extension service, may require that a county weed board remove a noxious weed from its list.

**63-01.1-05. Duties of county weed control officer.** The county weed control officer shall:

1. Cooperate with all weed control authorities, county extension agents, land users, and others to further this chapter.
2. Become acquainted with the location of noxious weeds on all land within the county.
3. Encourage noxious weed control or eradication by all landowners and land occupants within the county.
4. Investigate all complaints regarding noxious weeds received by any control authority.
5. Take enforcement action when necessary.
6. Post or publish in official newspapers any notices the commissioner determines necessary to further noxious weed control or eradication under this chapter.
7. Prepare reports as requested by the commissioner.
8. Attend area or statewide meetings called by the commissioner to further noxious weed control or eradication under this chapter.

**63-01.1-05.1. Certification of county and city weed control officers - Extension service.**

1. The commissioner, after consultation with the director of the agricultural experiment station and the director of the North Dakota state university extension service, or their designees, shall adopt rules governing certification categories for county and city weed control officers. Before assuming any duties, each county and city weed control officer must be certified under rules adopted by the commissioner.
2. The North Dakota state university extension service shall establish a program to provide educational instruction to county and city weed control officers.

**63-01.1-06. Funding of county programs.**

1.
  - a. The board of county commissioners may pay expenses from the county general fund to further the county noxious weed control program under this chapter, including to provide noxious weed control or eradication along public highways in the county.
  - b. The county weed board may certify annually to the board of county commissioners a tax, not to exceed two mills on the taxable valuation of all taxable property in the county, to carry out this chapter.
  - c. The board of county commissioners by majority vote may certify up to two additional mills on the taxable valuation of all taxable property in the county, except property within the corporate limits of a city that establishes a program under this chapter.
  - d. The board of county commissioners shall levy the tax.

- e. The county treasurer shall hold all taxes levied and collected in a separate fund known as the noxious weed control or eradication fund. Moneys in the fund must be used to pay the salaries and expenses of the county weed board and the county weed control officer, the expenses of noxious weed control or eradication along public highways in the county, and any other expenses incurred in the operation of a county noxious weed control or eradication program. The tax may be levied in excess of the mill levy limit prescribed by law for general purposes.
2. The commissioner shall allocate the county share of any legislative appropriation for noxious weed control or eradication to the county weed boards pursuant to a formula adopted by the commissioner, after consultation with county weed boards. A county weed board may not receive more than one-half of the board's actual cost-share expenditures for noxious weed control or eradication from any legislative appropriation, unless the commissioner in consultation with the county weed board determines a noxious weed is seriously endangering areas of a county or the state.
3. To be eligible to receive landowner assistance cost-share dollars a county must levy at least three mills for noxious weed control or eradication. The request for cost-share dollars must be initiated by a county weed board by submitting a voucher and documentation. Upon approval of the voucher and documentation by the commissioner, the office of management and budget shall make the payment out of funds appropriated for the control or eradication of noxious weeds.
4. If a program for the control or eradication of noxious weeds involves landowner participation, the landowner must contribute an amount equal to at least twenty percent of the total cost.

**63-01.1-06.1. Leafy spurge control program.** Repealed by S.L. 1993, ch. 610, § 13.

**63-01.1-06.2. Leafy spurge control program funding.** Repealed by S.L. 1993, ch. 610, § 13.

**63-01.1-06.3. Leafy spurge mill levy.** Repealed by S.L. 1993, ch. 610, § 13.

**63-01.1-06.4. Cannabis control program.** Repealed by S.L. 1993, ch. 610, § 13.

**63-01.1-06.5. Cannabis control program funding.** Repealed by S.L. 1993, ch. 610, § 13.

**63-01.1-06.6. County weed board - Additional mill levy authority.** Repealed by S.L. 1993, ch. 610, § 13.

**63-01.1-07. Special weed control authorities.** Repealed by S.L. 1979, ch. 651, § 10.

**63-01.1-07.1. City weed board members - Terms - Compensation.**

1. If the governing body of a city elects to establish a noxious weed control program for the city, the governing body shall appoint a city weed board consisting of five or seven members. Members shall serve for a term of four years or until their successors are appointed and qualified. The terms must be staggered so that no more than two expire each year. Any qualified elector residing within the city is eligible to serve on the board.
2. A board member shall assume office at the first regular meeting of the city weed board following that member's appointment.
3. The governing body of the city shall remove a member of the city weed board for repeated unexcused failures to attend meetings, for refusal to act as a board

member, or for incapacity. If a vacancy occurs on a city weed board, the governing body of the city, at its next regular meeting, shall appoint an individual who possesses the necessary qualifications to fill the unexpired term.

4. The city weed board shall elect from its members a chairman and a vice chairman and shall appoint a secretary and a treasurer. The secretary and treasurer need not be members of the city weed board.
5. The governing body of the city may set rates of compensation for city weed board members. City weed board members are entitled to reimbursement for actual and necessary expenses and a mileage allowance at the rate established for city employees.

**63-01.1-07.2. City weed board - Duties.**

1. Each city weed board shall designate a city weed control officer who shall cooperate with the board and be responsible for the operation and enforcement of this chapter within the city. The city weed control officer may be a member of the city weed board. An individual may serve as a weed control officer for more than one weed board. Employment is for a tenure and at rates of compensation and reimbursement for travel expenses as the city weed board may prescribe and is without regard to any provision of law relating to dual compensation. A city weed board shall certify the designation of a city weed control officer to the commissioner.
2. Each city weed board shall cooperate with all other control authorities.
3. Each city weed board shall implement and pursue an effective program for the control of noxious weeds.
4. Each city weed board shall fix the time and place of regular meetings. Each board shall meet at least once each year. All meetings are open to the public. Each board shall keep minutes of its meetings and a complete record of all official acts.
5. Each city weed board shall conduct at least one annual inspection to determine the progress of weed control activities within the city.
6. Each city weed board shall control and disburse all moneys received by the city from any source for noxious weed control.

**63-01.1-07.3. City weed board - Powers.** A city weed board may:

1. Authorize the city weed control officer to cooperate with local law enforcement personnel in stopping and inspecting vehicles suspected of transporting noxious weed-infested materials.
2. Expend funds from all available sources if a control authority determines that the extent of noxious weed infestation on certain land is so severe that eradication would place an extreme financial burden on the person otherwise liable for the expense.
3. Employ additional personnel to assist with noxious weed control and eradication efforts.

**63-01.1-07.4. City weed board - Development of city weed list.** A city weed board may develop and compile its own list of noxious weeds, provided the list includes all weeds determined to be noxious by the commissioner. The commissioner, after consulting with the city weed board and the North Dakota state university extension service, may require that a city weed board remove a noxious weed from its list.

**63-01.1-07.5. Duties of city weed control officer.** The city weed control officer shall:

1. Cooperate with all weed control authorities, county extension agents, land users, and others to further this chapter.
2. Become acquainted with the location of noxious weeds on all land within the city.
3. Encourage noxious weed control or eradication by all landowners and land occupants within the city.
4. Investigate all complaints received by any control authority regarding noxious weeds within the city.
5. Take enforcement action when necessary.
6. Post or publish in the official newspaper of the city any notices the commissioner deems necessary to further noxious weed control or eradication under this chapter.
7. Prepare reports as requested by the commissioner.
8. Attend area or statewide meetings called by the commissioner to further noxious weed control or eradication under this chapter.

**63-01.1-07.6. Funding of city programs.**

1.
  - a. The governing body of the city may pay expenses from the city general fund to further the city's noxious weed control program under this chapter, including to provide noxious weed control along public highways in the city.
  - b. The city weed board may certify annually to the governing body of the city a tax, not to exceed two mills on the taxable valuation of all taxable property in the city, to further its noxious weed control program under this chapter.
  - c. The governing body of the city may by majority vote certify up to two additional mills on the taxable valuation of all taxable property in the city to further its noxious weed control program under this chapter.
  - d. The governing body of the city shall levy the tax.
  - e. The city treasurer shall hold all taxes levied and collected under this section in a separate fund known as the noxious weed control or eradication fund. Money in the fund must be used to pay the salaries and expenses of the city weed board and the city weed control officer, the expenses of noxious weed control along public highways in the city, and any other expenses incurred in the operation of a city noxious weed control program. The tax may be levied in excess of the mill levy limit prescribed by law for general purposes.
2. The commissioner shall allocate any legislative appropriation for noxious weed control or eradication to the city weed boards, pursuant to a formula adopted by the commissioner, after consultation with city weed boards. A city weed board may not receive more than one-half of the city's actual cost-share expenditures for noxious weed control or eradication from any legislative appropriation, unless the commissioner in consultation with the city weed board determines a noxious weed is seriously endangering areas of a city.
3. To be eligible to receive state cost-share dollars, a city must levy at least three mills for noxious weed control or eradication. The request for cost-share dollars must be initiated by a city weed board by submitting a voucher and documentation to the commissioner. Upon approval of the voucher and documentation by the commissioner, the office of management and budget shall make the payment out of funds appropriated for the control or eradication of noxious weeds.

4. If a program for the control or eradication of noxious weeds involves landowner participation, the landowner must contribute an amount equal to at least twenty percent of the total cost.

**63-01.1-08. Entry upon land for noxious weed control or eradication purposes - Notices - Landowner rights - Remedial requirements - Liens - Penalty.**

1. Any control authority or its agent may enter upon land within its jurisdiction to perform duties and to exercise powers under this chapter, including the taking of specimens of weeds or other materials, without the consent of the landowner, lessee, renter, tenant, or operator, and without being subject to any action for trespass or damages, including damages for destruction of growing crops, if reasonable care is exercised.
2. If any land within a city that has a noxious weed control or eradication program is found to be infested with noxious weeds by any control authority, the city weed control officer may serve upon the landowner written notice either personally or by certified mail, requiring the landowner to control or eradicate the noxious weeds within the time period prescribed by the city weed control officer. The landowner may request additional time from the city weed board. The notice must state that the landowner may be subject to the penalties provided in section 63-01.1-15 if the landowner fails to comply. The notice must specify minimal remedial requirements. A copy of the notice may be sent by certified mail to any tenant, lessee, or operator of the land. If the city weed board will control or eradicate the noxious weeds upon failure of the landowner to do so, the notice must include a statement of costs. If the landowner does not control or eradicate the noxious weeds within the time specified, the city weed control officer may cause the noxious weeds to be controlled or eradicated and the expenses charged against the land of the landowner. These expenses are part of the taxes to be levied against the land for the ensuing year and must be collected in the same manner as other real estate taxes. If the city weed board intends to control or eradicate the noxious weeds, the notice must include a statement informing the landowner that the landowner may request that the city weed board not control or eradicate the noxious weeds. If the landowner requests that the city weed board not control or eradicate the noxious weeds, the board may not control or eradicate the noxious weeds until control or eradication is authorized by a majority vote of the city governing body.
3. If any other land is found to be infested with noxious weeds by any control authority, the county weed control officer may serve upon the landowner written notice either personally or by certified mail, requiring the landowner to control or eradicate the noxious weeds within the time period prescribed by the county weed control officer. The landowner may request additional time from the county weed board. The notice must state that the landowner may be subject to the penalties provided in section 63-01.1-15 if the landowner fails to comply. The notice must specify minimal remedial requirements. A copy of the notice may be sent by certified mail to any tenant, lessee, or operator of the land. If the county weed board will control or eradicate the noxious weeds upon failure of the landowner to control or eradicate the noxious weeds, the notice must include a statement of costs. If the landowner does not control or eradicate the noxious weeds within the time specified, the county weed control officer may cause the noxious weeds to be controlled or eradicated and the expenses charged against the land of the landowner. These expenses are part of the taxes to be levied against the land for the ensuing year and must be collected in the same manner as other real estate taxes. If the county weed board intends to control or eradicate the noxious weeds, the notice must include a statement informing the landowner that the landowner may request that the county weed board not control or eradicate the noxious weeds. If the landowner requests that the county weed board not control or eradicate the noxious weeds, the board may not control or eradicate the noxious weeds until control or eradication is authorized by a majority vote of the board.

**63-01.1-09. County weed board to control or eradicate noxious weeds along county and township roads and highways.** The county weed board shall control or eradicate noxious weeds along county and township roads and highways and the expense incurred for noxious weed control or eradication must be paid from funds as provided in section 63-01.1-06.

**63-01.1-10. Townships to control noxious weeds along township roads.** Repealed by S.L. 1981, ch. 638, § 22.

**63-01.1-10.1. Control of noxious weeds within cities.** The governing body of any city having a population of three thousand or more may act as a control authority and may establish and administer a program for the control or eradication of noxious weeds within the jurisdictional limits of the city. If a program is not established, the county weed board shall administer a program for the city.

**63-01.1-11. Landowners or operators along county and township highways to destroy weeds and grasses.** Repealed by S.L. 1981, ch. 638, § 22.

**63-01.1-12. Preventing dissemination of noxious weeds.**

1. To prevent the dissemination of noxious weeds by machinery, trucks, harvesting, or other farm equipment, and to prevent the dissemination of noxious weeds during transportation of plants, forage, screenings, dirt, and other articles, the commissioner shall publish a list of the possible methods by which noxious weeds or their propagating parts can be disseminated.
2. All operators of tillage, seeding, and harvesting equipment shall clean their equipment to prevent the spread of noxious weeds by seed or other propagating parts prior to moving their equipment on public highways, airways, waterways, or by any other means of conveyance, public or otherwise. Trucks or trailers transporting grain screenings must be constructed and covered to prevent noxious weed seed dissemination. Scattering and dumping on land or in water any material containing noxious weed seeds or propagating parts is prohibited unless the material has been processed or treated, or unless it is buried deeply enough to destroy the seeds and other propagating parts.

**63-01.1-12.1. Quarantine period - Materials or farm products and area defined.**

1. If a control authority determines that an area is infested with noxious weeds and if materials or farm products from that area are liable to spread noxious weeds into other areas to the injury of others, the commissioner shall declare a quarantine against the area to prevent the transfer of materials or farm products from the quarantined area. If noxious weeds are likely to be introduced into this state by the importation of materials or farm products, the commissioner shall declare a quarantine against the importation of those materials or farm products.
2. The commissioner shall declare a quarantine when requested to do so through a resolution adopted by a two-thirds majority of the weed board having jurisdiction over the area in which the quarantine is to be declared.
3. For the purposes of this section:
  - a. "Area" means a geographical section of land identified by the commissioner and may include cities and counties or any portion of a city or county.
  - b. "Farm products" means crops, crop products, and plants or portions of plants, but does not include livestock.
  - c. "Materials" means gravel or other substances that can be transported over a highway, street, or road.

### **63-01.1-12.2. Weed-free certification - Gravel and sand pits and hay land.**

1. The commissioner, after consulting with the North Dakota state university extension service, may adopt rules for certifying that gravel, scoria, or sand surface mining operations and land producing hay for sale or for resale are not contaminated with weeds. The rules must identify the extent to which weeds are allowed with certification.
2. The weed board, after consulting with the North Dakota state university extension service, may certify gravel, scoria, or sand surface mining operations and land producing hay for sale or for resale as not contaminated with weeds.
3. The commissioner shall adopt a schedule of fees that weed boards and the North Dakota state university extension service may charge for inspecting, testing, analyzing, and certifying gravel, scoria, or sand surface mining operations and hay land.
4. Certification of gravel, scoria, sand surface mining operations, or hay land is not a warranty of any kind as to the quality of the gravel, sand, or hay produced from an inspected and certified location. The only representation made is that land from which sand and gravel is surface mined or land producing hay for sale or resale has been inspected for weed contamination under rules adopted by the commissioner.

### **63-01.1-13. Publicly owned land - Noxious weed control or eradication.**

1. The commissioner shall attempt to arrange a noxious weed control or eradication program with all state and federal agencies owning, controlling, or having jurisdiction over land within the state.
2. Weed control officers shall attempt to arrange a noxious weed control or eradication program with political subdivisions owning or controlling public land within each weed control officer's jurisdiction.
3. Each state agency shall provide for the control or eradication of noxious weeds on any land within its jurisdiction. If a state agency fails to control or eradicate noxious weeds on land under its jurisdiction, the weed board for the county in which all or a portion of the land is located, upon approval of the commissioner, may enter upon the land to control or eradicate the noxious weeds. The state agency shall reimburse the county weed board for expenses incurred in the control or eradication of the noxious weeds within thirty days after the agency receives the bill.
4. Each federal agency shall develop a management plan for controlling or eradicating noxious weeds on land under the agency's jurisdiction. If a federal agency does not control or eradicate the noxious weeds and does not develop a management plan for controlling or eradicating the noxious weeds, the weed control office shall notify the agency as provided in section 63-01.1-08. The federal agency shall provide a report to the control authorities detailing the methods used by the federal agency and showing cause why the federal agency is not controlling or eradicating the noxious weeds. The commissioner may specify the forms on which the federal agency report must be submitted.
5. Upon being notified by a weed board of the federal agency's failure to control or eradicate noxious weeds, the commissioner may hold a public hearing to determine the reason for the failure.

**63-01.1-13.1. Noxious weed control on game and fish land.** Repealed by S.L. 1993, ch. 610, § 13.

**63-01.1-14. Noxious weed control enforcement responsibilities of other agencies.**

The state highway patrol, county sheriffs, and the truck regulatory division, when requested to do so by a weed control authority, shall cooperate with a weed control authority and may enforce subsection 2 of section 63-01.1-12 if machinery, commodities, or articles being moved on state and federal highways or on county or township roads are contributing to the dissemination of noxious weeds.

**63-01.1-15. Penalties.**

1. A custom or commercial operator of tillage, seeding, and harvesting equipment who violates subsection 2 of section 63-01.1-12 is guilty of a class B misdemeanor. A control authority may institute necessary criminal actions under this subsection.
2. Persons failing to comply with the rules and notice provisions of this chapter are subject to a civil penalty not to exceed eighty dollars per day for each day of violation, subject to a maximum penalty of four thousand dollars per year. The accumulated penalties under this section are a lien against the property of the landowner from the day the notice is delivered to the landowner under section 63-01.1-08.
3. All penalties collected pursuant to this section must be deposited with the treasurer of the political subdivision and credited to the weed control and eradication fund in the political subdivision in which the penalty originated.
4. The penalty may be adjudicated by a court or by a county or a city weed board after a hearing.
5. An aggrieved landowner may appeal the imposition of a penalty by a county weed board to the board of county commissioners and may appeal the imposition of a penalty by a city weed board to the governing body of the city.

**63-01.1-16. Allegations of noncompliance.** Repealed by S.L. 1993, ch. 610, § 13.

**63-01.1-17. Judicial review.** Repealed by S.L. 1993, ch. 610, § 13.

**63-01.1-18. Investigation by agriculture commissioner - Conflict of interest.** If an individual who provided written notice of an alleged failure to eradicate or control noxious weeds believes that the matter has not been addressed satisfactorily by the weed board within twenty-one days from the date of the complaint, the individual may provide written notification to the local governing authority. If the individual who provided notice of an alleged failure to eradicate or control noxious weeds believes that the matter has not been addressed satisfactorily by the local governing authority within twenty-one days from the date of the notice to the local governing authority, the individual may provide written notification to the agriculture commissioner. Upon receiving such notification, the agriculture commissioner shall investigate the matter. If the commissioner determines that a weed board has not addressed the matter satisfactorily within the twenty-one-day period, the commissioner may act to enforce this chapter. A weed board may request that the agriculture commissioner investigate any complaint received by the board if the board determines that its ability to enforce this chapter is compromised because of a conflict of interest.

**63-01.1-19. County weed board - Pest control - Authorization.**

1. The board of county commissioners, in consultation with the county weed board, may authorize the county weed board to control or eradicate pests on public lands within the county and to cooperate with landowners for the purpose of controlling or eradicating pests on private land within the county.
2. A county weed board that has been authorized to control or eradicate pests under this section may:

- a. Expend funds made available from state or federal sources for pest control or eradication purposes;
- b. Direct the county weed control officer to encourage landowners and occupants in the county to control or eradicate pests; and
- c. Employ additional personnel to assist with pest control and eradication efforts under this section.

**63-01.1-20. County weed control officer - Pest control or eradication.** If a county weed board is authorized to control or eradicate pests under section 63-01.1-19, the county weed control officer shall:

1. Cooperate with all control authorities, county extension agents, landowners, and others to further pest control or eradication under this chapter.
2. Become acquainted with the location of pests on all land within the county.
3. Encourage pest control or eradication by all landowners and land occupants within the county.
4. Investigate all complaints regarding pests received by any control authority.
5. Post or publish in official newspapers any notices the commissioner determines necessary to further pest control or eradication under this chapter.
6. Prepare reports as requested by the commissioner.
7. Attend area or statewide meetings called by the commissioner to further pest control or eradication under this chapter.

**63-01.1-21. County weed board - Pest control or eradication - Roads and highways.** The county weed board shall control or eradicate pests along county and township roads and highways within the county and any expenses incurred in the control or eradication must be paid from funds as provided in section 63-01.1-06.

**63-01.1-22. City weed board - Pest control - Authorization.**

1. The governing body of a city, in consultation with the city weed board, may authorize the city weed board to control or eradicate pests on land within the corporate boundaries of the city and to cooperate with landowners for the purpose of controlling or eradicating pests on private land within the city.
2. A city weed board that has been authorized to control or eradicate pests under this section may:
  - a. Expend funds made available from state or federal sources for pest control or eradication purposes;
  - b. Direct the city weed control officer to encourage landowners and occupants in the city to control or eradicate pests; and
  - c. Employ additional personnel to assist with pest control and eradication efforts under this section.

**63-01.1-23. City weed control officer - Pest control or eradication.** If a city weed board is authorized to control or eradicate pests under section 63-01.1-22, the city weed control officer shall:

1. Cooperate with all control authorities, county extension agents, landowners, and others to further pest control or eradication under this chapter.
2. Become acquainted with the location of pests on all land within the city.
3. Encourage pest control or eradication by all landowners and land occupants within the city.
4. Investigate all complaints regarding pests received by any control authority.
5. Post or publish in the official newspaper of the city any notices the commissioner determines necessary to further pest control or eradication under this chapter.
6. Prepare reports as requested by the commissioner.
7. Attend area or statewide meetings called by the commissioner to further pest control or eradication under this chapter.

**63-01.1-24. City weed board - Pest control or eradication - Roads and highways.**

The city weed board shall control or eradicate pests along streets, roads, and highways within the city and any expenses incurred in the control or eradication must be paid from funds as provided in section 63-01.1-07.6.

**63-01.1-25. Publicly owned land - Pest control or eradication.**

1. The commissioner shall attempt to arrange a pest control or eradication program with all state and federal agencies owning, controlling, or having jurisdiction over land within the state.
2. Except as provided in subsection 3, a county weed control officer shall attempt to arrange a pest control or eradication program with all political subdivisions owning or controlling public land within the county weed control officer's jurisdiction.
3. If a city has a pest control or eradication program, the city weed control officer shall attempt to arrange a pest control or eradication program with all political subdivisions owning or controlling public land within the corporate limits of the city.
4. Each state agency shall provide for the control or eradication of pests on any land within the agency's jurisdiction. If a state agency fails to control or eradicate pests on land under its jurisdiction, the weed board having jurisdiction over the area in which all or a portion of the land is located, upon approval of the commissioner, may enter upon the land to control or eradicate the pests. The state agency shall reimburse the weed board for expenses incurred in the control or eradication of pests within thirty days after the agency receives the bill.
5. Each federal agency shall develop a management plan for controlling or eradicating pests on land within the agency's jurisdiction. If a federal agency does not control or eradicate pests and does not develop a management plan for controlling or eradicating pests, the weed control officer shall notify the agency as provided in section 63-01.1-08. The federal agency shall provide a report to the control authority detailing the methods used by the federal agency and showing cause why the federal agency is not controlling or eradicating the pests. The commissioner may specify the forms on which the federal agency report must be submitted.
6. Upon being notified by a weed board of a federal agency's failure to control or eradicate pests, the commissioner may hold a public hearing to determine the reason for the agency's failure.